



Attorney's Docket No. 044276/209251

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Kappes *et al.* Confirmation No.: 7175  
Appl. No.: 09/719,340 Group Art Unit: 1648  
Filed: 4/13/01 Examiner: S. Foley  
For: CELL-BASED METHOD AND ASSAY FOR MEASURING THE  
INFECTIVITY AND DRUG SENSITIVITY OF IMMUNODEFICIENCY  
VIRUS

**DECLARATION UNDER 37 C.F.R. §1.802**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The undersigned, Kelly J. Williamson, declares and states,

1. That she has full and express authority to represent UAB Research Foundation, Assignee of Application No. 09/719,340, by assignment recorded in the United States Patent and Trademark Office on June 23, 1998, at Reel 9276 and Frame 0876.
2. That she has read and understands the above-captioned U.S. Patent Application Number 09/719,340, filed 6/23/99, for "CELL-BASED METHOD AND ASSAY FOR MEASURING THE INFECTIVITY AND DRUG SENSITIVITY OF IMMUNODEFICIENCY VIRUS."
3. That the Assignee hereby provides assurance of the permanent availability of the following organisms deposited at The American Type Culture Collection, 10801 University Drive, Manassas, VA 20110-2209, USA:

<u>Strain</u>	<u>ATCC Accession No.</u>	<u>Date of Deposit</u>
HeLa Human cervical carcinoma cells (TZM:BL)	PTA-5659	November 25, 2003

4. That the Assignee hereby provides assurance that the material deposited in paragraph 3, above, is, in each instance, the same biological material specifically identified in the above-captioned patent application, as filed.



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5. That the Assignee hereby provides assurance that it will:
- a. During the pendency of the patent application, allow access to the deposited PTA-5659 listed in paragraph 3, above, to those persons properly designated by the Commissioner of Patents and Trademarks;
  - b. Replace the deposited PTA-5659 should it die or be destroyed:
    - (1) During the enforceable life of any patent issued out of the above-identified patent application,
    - (2) For five years after the last request for a sample of the deposited PTA-5659, and
    - (3) For thirty years;
  - c. Upon issuance of a patent, irrevocably remove all restrictions of access to the PTA-5659 for the duration of the deposit; and
  - d. Pay the maintenance charges for the duration of the deposit.
6. That all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true; and further acknowledges that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

For: UAB Research Foundation

By: Kelly J. Williamson  
Kelly J. Williamson  
Patent Agent  
Register No. 47,179

Date: March 4, 2004